

**BRINKS  
HOFER  
GILSON  
& LIONE**

A Professional Corporation  
Intellectual Property Attorneys

NBC Tower - Suite 3600  
455 N. Cityfront Plaza Drive  
Chicago, Illinois 60611-5599  
Facsimile 312-321-4299  
Telephone 312-321-4200

San Jose, CA  
Indianapolis, IN  
Ann Arbor, MI  
Arlington, VA

## FACSIMILE COVER SHEET

Date: October 10, 2003

To: Commissioner for Patents  
Fax No: 703-872-9306

From: Mark D. Weis  
Tel. No: 312-245-5307

Client No: 10541-821

No. of Pages  
(inc. this page): 7

Confirmation Copy To Follow: Yes ☐ No ☒

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,  
PLEASE CALL 312-321-4200 AND ASK FOR: Bianca Leanos x4343

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

## COVER MESSAGE:

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER

OCT 14 2003

Mark D. Weis  
312-245-5307  
E-mail mweis@brinkshofer.com

RECEIVED  
CENTRAL FAX CENTER

OCT 14 2003

OFFICIAL

October 10, 2003

VIA FACSIMILE  
(703) 872-9306  
Commissioner for Patents

Re: Application No.: 10/040,955  
Filing Date: December 28, 2001  
Title: AN APPARATUS AND A METHOD FOR  
ADJUSTING FLUID MOVEMENT IN A  
VARIABLE DISPLACEMENT PUMP  
Our Case No.: 10541/821 - V200-0939

Dear Commissioner for Patents:

On June 13, 2003 your office mailed out an Official Office Action on the above referenced matter which subjected the pending claims to a restriction and/or election requirement. On September 24, 2003, we filed a Response to the Restriction Requirement along with a Transmittal Letter and a Petition and Fee for Extension of Time to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The Petition and Fee for Extension of Time was for a three month extension which would expire on Tuesday, October 14, 2003 due to the Columbus Day holiday.

The Response to Restriction Requirement, Transmittal Letter and a Petition and Fee for Extension of Time were all sent to the correct address and the certificates of mailing on both the Transmittal Letter and the Petition and Fee for Extension of Time listed the correct address of P.O. Box 1450, Alexandria, VA 22313-1450. However, we recently realized that due to an error, the certificate of mailing on the Response to Restriction Requirement incorrectly stated that the correspondence was sent to the Commissioner for Patents, Washington, D.C. 20231. We have learned that the original Response to Restriction Requirement, Transmittal Letter and Petition and Fee for Extension of Time have been received by your office and your office has debited our deposit account for the extension of time accordingly. After consulting with the primary examiner, Avraham Lerner, we are now enclosing an Amended Response to Restriction Requirement reflecting a corrected mail certification as being faxed to the U.S. Patent and Trademark Office, Examiner Avraham Lerner at Fax Number (703) 872-9306, on October 10, 2003. No substantive changes have

**BRINKS  
HOFFER  
GILSON  
& LIONE**

A PROFESSIONAL CORPORATION  
INTELLECTUAL PROPERTY ATTORNEYS

NBC Tower - Suite 3600  
455 N. Cityfront Plaza Drive  
Chicago, Illinois 60611-5599  
www.brinkshofer.com  
Fax 312-321-4299  
Telephone 312-321-4200

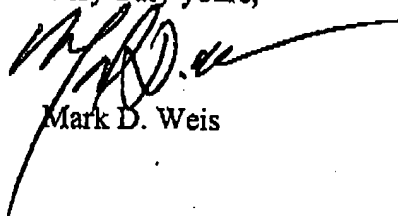
SAN JOSE, CA  
INDIANAPOLIS, IN  
ANN ARBOR, MI  
ARLINGTON, VA

Commissioner for Patents  
October 10, 2003  
Page 2

been made to the to the Response to Restriction Requirement. As per our conversation with Examiner Lerner, no additional fees are believed to be due with the filing of this Amended Response to Restriction Requirement as the only change is to the certificate of mailing and the correction is occurring within the three month extension that we have previously petitioned and paid for.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M.D. Weis', with a long horizontal flourish extending to the right.

Mark D. Weis

MDW/bl  
Enclosure